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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,381	11/24/2000	Krister Hansson	TPP 31351	3726

7590

08/27/2003

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EXAMINER

VANORE, DAVID A

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,381

Applicant(s)

HANSSON ET AL.

Examiner

David A Vanore

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/30/2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 18 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 18 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by van der Hoeven.

van der Hoeven teaches a device and method for manufacturing a decorative surface element having a base layer (1), and a plurality of layers formed above said base layer forming a decorative upper surface and radiation cured polymer coating (Layers 2, 3, 6). The process laid out in van der Hoeven teaches that a plurality of radiation curable lacquers are laid out on top of the base layer. Between the lacquer and the base is the decorative layer (3) which receives an intermediate curing of UV or electron radiation (Col. 9 Line 1-38) as recited in claim 3. Furthermore, van der Hoeven teaches that the material used as the lacquer is an acrylic (Col. 5 Line 1-68) as recited in claim 2.

The amendment to claim 1 comprising the limitation “leaving a portion of the decorative upper surface uncovered by the lacquer curable by radiation” is the same as the previous part of the claim which states that only parts of the decorative upper surface are covered by the lacquer. Claim 1 stands rejected.

Furthermore, lacquer (called resin by van der Hoeven), contains silica and aluminum oxide (Col. 6 Lines 17-24) as recited in claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Hoeven.

Van der Hoeven teaches all limitations as recited above.

Van der Hoeven fails to teach the use of particles in a lacquer in the size range of 50 nm to 150 micrometers.

The selection of particle size in a lacquer is the selection of an optimum value for a desired aesthetic property of the decorative layer. Particle size in the lacquer corresponds directly to the wear of the layer.

Van der Hoeven specifically teaches that the size of the particles is adjusted to suit the desired surface roughness on Col. 7 Lines 46-50.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select particles in the a lacquer having a size in the range of 50 nm to 150 micrometers because van der Hoeven teaches the selection of any desired particle size based on the desired roughness of the lacquer layer.

Allowable Subject Matter

Claims 6-11 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art fails to teach or suggest the following:

1) A method of manufacturing a decorative surface element wherein the material to form the layer is dispensed from an ink-jet printing means as described in claims 6 and 8. Claims 7 and 9-11 are indicated as being allowable based on their dependency from claims 6 and 8 respectively.

Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1) A method of manufacturing a decorative surface element wherein the decorative surface element comprises a décor layer and a wear layer where the wear layer is applied on top of the décor layer and the radiation cured lacquer is applied on top of the wear layer as recited in claim 12. Claims 13-15 are indicated as being allowable by virtue of their dependency.

2) A method of manufacturing a decorative surface element where the decorative surface element comprises a decorative upper surface and a décor layer where the décor layer has features which are stored digitally and the surface structure formed by an applied radiation curable lacquer matches the layout of the décor features as recited in claim 16. Claim 17 is indicated as being allowable based on its dependency from claim 16.

Response to Arguments

Applicant's arguments filed June 30 , 2003 have been fully considered but they are not persuasive.

Applicant argues with respect to Claim 1 that van der Hoeven fail to teach only portions of the surface of the pattern covering coated with lacquer. This is not persuasive because it is a negative recitation and because on Col. 6 Line 25-37, van der Hoeven teaches a method for applying the lacquer comprising the use of screen printing. Inherent in the use of screen printing is the selection of a pattern for an applied material to conform to on the selected surface.

Applicant's arguments with respect to claims 4-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2881

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Vanore whose telephone number is 703-306-0246. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on 703-308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

dav
August 21, 2003


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800